

UNITED STATES CODE ANNOTATED

Title 10
Armed Forces
§§ 2375 to 3000

2002
Cumulative Annual Pocket Part

Replacing 2001 pocket part in back of 1998 bound volume

Includes the Laws of the
107th CONGRESS, First Session (2001-2002)

For close of Notes of Decisions
See page III

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ARMED FORCES Subt. A

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1988 Acts. Section is based on Pub.L. 99-190, § 101(b) [title VIII, § 8006(b)], Dec. 19, 1985, 99 Stat. 1185.

In two instances, the source section for provisions to be codified provides that defense appropriations may be used for "welfare and recreation" or "welfare and recreational" purposes. (Section 735 of Public Law 98-212 and section 8006(b) of Public Law 99-190, to be codified as 10 U.S.C. 2241(a)(1) and 2490(2), respectively). The committee added the term "morale" in both of these two instances to

conform to the usual "MWR" usage for morale, welfare, and recreation activities.

House Report No. 100-696, see 1988 U.S. Code Cong. and Adm. News, p. 1077.

1997 Acts. House Conference Report No. 105-340 and Statement by President, see 1997 U.S. Code Cong. and Adm. News, p. 2251.

Codifications

Section was formerly classified to section 2490 of this title.

WESTLAW ELECTRONIC RESEARCH

See WESTLAW guide following the Explanation pages of this volume.

SUBCHAPTER IV—ALTERNATIVE AUTHORITY
FOR ACQUISITION AND IMPROVEMENT
OF MILITARY HOUSING

Sec.

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- 2872. General authority.
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- 2881. Ancillary supporting facilities.
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- 2885. Expiration of authority.

HISTORICAL AND STATUTORY NOTES

Amendments

1996 Amendments. Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb.

10, 1996, 110 Stat. 544, added subchapter heading and analysis consisting of items 2871 to 2885.

§ 2871. Definitions

In this subchapter:

- (1) The term "ancillary supporting facilities" means facilities related to military housing units, including child care centers, day care centers, tot lots, community centers, housing offices,

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dining facilities, unit offices, and other similar facilities for the support of military housing.

- (2) The term "base closure law" means the following:

- (A) Section 2687 of this title.

- (B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

- (C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

- (3) The term "construction" means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

- (4) The term "contract" includes any contract, lease, or other agreement entered into under the authority of this subchapter.

- (5) The term "Fund" means the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund established under section 2883(a) of this title.

- (6) The term "military unaccompanied housing" means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

- (7) The term "United States" includes the Commonwealth of Puerto Rico.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 544.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report No. 104-450, see 1996 U.S. Code Cong. and Adm. News, p. 238.

References in Text

Title II of the Defense Authorization Amendments and Base Closure and Realignment Act, referred to in par. (2)(B), is Title II (sections 201 to 209) of Pub.L. 100-526, Oct. 24, 1988, 102 Stat. 2627, as amended, which is set out as a note under section 2687 of this title.

The Defense Base Closure and Realignment Act of 1990, referred to in par. (2)(C), is Part A (sections 2901 to 2911) of Title XXIX of Div. B, Pub.L. 101-510, Nov. 5, 1990, 104 Stat. 1808, as amended, known as the Defense Base Closure and Realignment Act of 1990, which amended section 2687 of this title and enacted provisions set out as a note under section 2687 of this title.

WESTLAW ELECTRONIC RESEARCH

See WESTLAW guide following the Explanation pages of this volume.

§ 2872. General authority

In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by private persons of the following:

- (1) Family housing units on or near military installations within the United States and its territories and possessions.
- (2) Military unaccompanied housing units on or near such military installations.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 545.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
1996 Acts. House Conference Report
No. 104-450, see 1996 U.S.Code Cong.
and Adm.News, p. 238.

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Armed Services ☞28.
United States ☞55.

Encyclopedias
C.J.S. Armed Services §§ 21, 22.
C.J.S. United States §§ 71, 73.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
United States cases: 393k[add key number]
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2873. Direct loans and loan guarantees

(a) **Direct loans.**—(1) Subject to subsection (c), the Secretary concerned may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

(b) **Loan guarantees.**—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

- (A) the amount equal to 80 percent of the value of the project;
- or
- (B) the amount of the outstanding principal of the loan.

(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

(c) **Limitation on direct loan and guarantee authority.**—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 545.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
1996 Acts. House Conference Report
No. 104-450, see 1996 U.S.Code Cong.
and Adm.News, p. 238.

References in Text
The Federal Credit Reform Act of 1990, referred to in subsec. (c), is Pub.L. 93-344, Title V, § 500, as added Pub.L. 101-508, Title XIII, § 13201(a), Nov. 5,

1990, 104 Stat. 1388-1552, which is classified generally to subchapter III of chapter 17A of Title 2, The Congress. Section 502(5) and section 502(7) of such Act are classified to section 661a(5) of Title 2 and section 661a(7) of Title 2, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

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Encyclopedias

C.J.S. Armed Services §§ 21, 22.
C.J.S. United States §§ 71, 73.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
United States cases: 393k[add key number]
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2874. Leasing of housing to be constructed

(a) **Build and lease authorized.**—The Secretary concerned may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this subchapter.

(b) **Lease terms.**—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 546.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts, House Conference Report
No. 104-450, see 1996 U.S.Code Cong.
and Adm.News, p. 238.

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C.J.S. Armed Services §§ 21, 22.
C.J.S. United States §§ 71, 73.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
United States cases: 393k[add key number]
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2875. Investments in nongovernmental entities

(a) **Investments authorized.**—The Secretary concerned may make investments in nongovernmental entities carrying out projects for the

acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

(b) **Forms of investment.**—An investment under this section may take the form of an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

(c) **Limitation on value of investment.**—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33½ percent of the capital cost (as determined by the Secretary concerned) of the project or projects that the entity proposes to carry out under this section with the investment.

(2) If the Secretary concerned conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

(d) **Collateral incentive agreements.**—The Secretary concerned shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

(e) **Congressional notification required.**—Amounts in the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund may be used to make a cash investment under this section in a nongovernmental entity only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the investment to the appropriate committees of Congress.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 546, and amended Pub.L. 105-85, Div. B, Title XXVIII, § 2805, Nov. 18, 1997, 111 Stat. 1991.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
 1996 Acts. House Conference Report
 No. 104-450, see 1996 U.S.Code Cong.
 and Adm.News, p. 238.

see 1997 U.S.Code Cong. and Adm.News,
 p. 2251.

Amendments

1997 Acts. House Conference Report
 No. 105-340 and Statement by President,

1997 Amendments. Subsec. (e).
 Pub.L. 105-85, § 2805, added subsec. (e).

WESTLAW ELECTRONIC RESEARCH

See WESTLAW guide following the Explanation pages of this volume.

§ 2876. Rental guarantees

The Secretary concerned may enter into agreements with private persons that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

(1) the occupancy of such units at levels specified in the agreements; or

(2) rental income derived from rental of such units at levels specified in the agreements.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 546.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
 1996 Acts. House Conference Report
 No. 104-450, see 1996 U.S.Code Cong.
 and Adm.News, p. 238.

WESTLAW ELECTRONIC RESEARCH

See WESTLAW guide following the Explanation pages of this volume.

§ 2877. Differential lease payments

Pursuant to an agreement entered into by the Secretary concerned and a private lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 547.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
 1996 Acts. House Conference Report
 No. 104-450, see 1996 U.S.Code Cong.
 and Adm.News, p. 238.

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Encyclopedias

C.J.S. Armed Services §§ 21, 22.
 C.J.S. United States §§ 71, 73.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
 United States cases: 393k[add key number]
 See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2878. Conveyance or lease of existing property and facilities

(a) **Conveyance or lease authorized.**—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

(b) **Inapplicability to property at installation approved for closure.**—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

(c) **Terms and conditions.**—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

(d) **Inapplicability of certain property management laws.**—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

(1) Section 2667 of this title.

(2) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (40 U.S.C. 303b).

(4) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 547, and amended Pub.L. 105-85, Div. A, Title X, § 1073(a)(60), Nov. 18, 1997, 111 Stat. 1903.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report No. 104-450, see 1996 U.S. Code Cong. and Adm. News, p. 238.

1997 Acts. House Conference Report No. 105-340 and Statement by President, see 1997 U.S. Code Cong. and Adm. News, p. 2251.

References in Text

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (d)(2), is Act June 30, 1949, c. 288, 63 Stat. 377, as amended. The provisions of that Act relating to management and disposal of government property are classified to chapter 10 (section 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

Act of June 30, 1932, referred to in subsec. (d)(3), means Act June 30, 1932, c. 314, 47 Stat. 382, popularly known as the Economy Act. Section 321 of such Act is classified to section 303b of Title

40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Tables.

The Stewart B. McKinney Homeless Assistance Act, referred to in subsec. (d)(4), is Pub.L. 100-77, July 22, 1987, 101 Stat. 482, as amended. Section 501 of such Act is classified to section 11411 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

Amendments

1997 Amendments. Subsec. (d)(4). Pub.L. 105-85, § 1073(a)(60), substituted "11411" for "11401".

Coordination With Other Amendments

Amendments by section 1073 of Pub.L. 105-85 to be treated as having been enacted immediately before the other provisions of Pub.L. 105-85, see section 1073(i) of Pub.L. 105-85, set out as a note under section 5315 of Title 5, Government Organization and Employees.

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Armed Services ☞28.
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Encyclopedias

C.J.S. Armed Services §§ 21, 22.
C.J.S. United States §§ 75 to 79.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
United States cases: 393k[add key number]
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2879. Interim leases

Pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units under this subchapter, the Secretary concerned may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 547.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report No. 104-450, see 1996 U.S. Code Cong. and Adm. News, p. 238.

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C.J.S. Armed Services §§ 21, 22.
C.J.S. United States §§ 71, 73.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
United States cases: 393k[add key number]
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2880. Unit size and type

(a) **Conformity with similar housing units in locale.**—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

(b) **Inapplicability of limitations on space by pay grade.**—(1) Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter.

(2) The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter unless the unit is located on a military installation.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 548.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report
No. 104-450, see 1996 U.S.Code Cong.
and Adm.News, p. 238.

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C.J.S. Armed Services §§ 21, 22.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]

See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2881. Ancillary supporting facilities

Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 548.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report
No. 104-450, see 1996 U.S.Code Cong.
and Adm.News, p. 238.

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C.J.S. Armed Services §§ 21, 22.
C.J.S. United States §§ 71, 73.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]

United States cases: 393k[add key number]

See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2882. Assignment of members of the armed forces to housing units

(a) **In general.**—The Secretary concerned may assign members of the armed forces to housing units acquired or constructed under this subchapter.

(b) **Effect of certain assignments on entitlement to housing allowances.**—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

(c) **Lease payments through pay allotments.**—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 548, and amended Pub.L. 105-85, Div. A, Title VI, § 603(d)(2)(C), Nov. 18, 1997, 111 Stat. 1783.)

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1996 Acts. House Conference Report
No. 104-450, see 1996 U.S.Code Cong.
and Adm.News, p. 238.

1997 Acts. House Conference Report
No. 105-340 and Statement by President,
see 1997 U.S.Code Cong. and Adm.News,
p. 2251.

Amendments

1997 Amendments. Subsec. (b)(1).
Pub.L. 105-85, § 603(d)(2)(C)(i), substituted
"section 403" for "section 403(b)".

Subsec. (b)(2). Pub.L. 105-85,
§ 603(d)(2)(C)(ii), substituted "basic al-

lowance for housing under section 403 of
title 37" for "basic allowance for quarters
under section 403 of title 37 and, if in a
high housing cost area, a variable hous-
ing allowance under section 403a of that
title".

Effective Dates

1997 Acts. Amendment by section
603(d)(2)(C) of Pub.L. 105-85 effective
Jan. 1, 1998, see section 603(e) of Pub.L.
105-85, set out as a note under section
5561 of Title 5, Government Organization
and Employees.

LIBRARY REFERENCES

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Encyclopedias

C.J.S. Armed Services § 108.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]

See, also, WESTLAW guide following the Explanation pages of this volume.

§ 2883. Department of Defense Housing Funds

(a) **Establishment.**—There are hereby established on the books of the Treasury the following accounts:

(1) The Department of Defense Family Housing Improvement Fund.

(2) The Department of Defense Military Unaccompanied Housing Improvement Fund.

(b) Commingling of funds prohibited.—(1) The Secretary of Defense shall administer each Fund separately.

(2) Amounts in the Department of Defense Family Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military family housing.

(3) Amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military unaccompanied housing.

(c) Credits to funds.—(1) There shall be credited to the Department of Defense Family Housing Improvement Fund the following:

(A) Amounts authorized for and appropriated to that Fund.

(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing.

(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing.

(D) Income derived from any activities under this subchapter with respect to military family housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

(2) There shall be credited to the Department of Defense Military Unaccompanied Housing Improvement Fund the following:

(A) Amounts authorized for and appropriated to that Fund.

(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military unaccompanied housing.

(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military unaccompanied housing.

(D) Income derived from any activities under this subchapter with respect to military unaccompanied housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

(d) Use of amounts in funds.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Family Housing Improvement Fund to carry out activities under this subchapter with respect to military family housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter. The Secretary may also use for expenses of activities required in connection with the planning, execution, and administration of such contracts funds that are otherwise available to the Department of Defense for such types of expenses.

(2) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under this subchapter with respect to military unaccompanied housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter. The Secretary may also use for expenses of activities required in connection with the planning, execution, and administration of such contracts funds that are otherwise available to the Department of Defense for such types of expenses.

(3) Amounts made available under this subsection shall remain available until expended. The Secretary of Defense may transfer amounts made available under this subsection to the Secretaries of the military departments to permit such Secretaries to carry out the activities for which such amounts may be used.

(e) Limitation on obligations.—The Secretary may not incur an obligation under a contract or other agreement entered into under this subchapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

(f) Notification required for transfers.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

(g) **Limitation on amount of budget authority.**—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed—

(1) \$850,000,000 for the acquisition or construction of military family housing; and

(2) \$150,000,000 for the acquisition or construction of military unaccompanied housing.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 548, and amended Pub.L. 104-201, Div. B, Title XXVIII, § 2804, Sept. 23, 1996, 110 Stat. 2788.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report No. 104-450, see 1996 U.S.Code Cong. and Adm.News, p. 238.

House Report No. 104-563 and House Conference Report No. 104-724, see 1996 U.S.Code Cong. and Adm.News, p. 2948.

Amendments

1996 Amendments. Subsec. (d)(1). Pub.L. 104-201, § 2804(a), added provision relating to using funds otherwise available for such types of expenses.

Subsec. (d)(2). Pub.L. 104-201, § 2804(b), added provision relating to using funds otherwise available for such types of expenses.

WESTLAW ELECTRONIC RESEARCH

See WESTLAW guide following the Explanation pages of this volume.

§ 2884. Reports

(a) **Project reports.**—(1) The Secretary of Defense shall transmit to the appropriate committees of Congress a report describing—

(A) each contract for the acquisition or construction of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter; and

(B) each conveyance or lease proposed under section 2878 of this title.

(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 30 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

(b) **Annual reports.**—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

(1) A report on the expenditures and receipts during the preceding fiscal year covering the Funds established under section 2883 of this title.

(2) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

(3) A description of the objectives of the Department of Defense for providing military family housing and military unaccompanied housing for members of the armed forces.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 550.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report No. 104-450, see 1996 U.S.Code Cong. and Adm.News, p. 238.

Final Report

Pub.L. 104-106, Div. B, Title XXVIII, § 2801(b), Feb. 10, 1996, 110 Stat. 551, provided that: "Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and on Appropriations of the Senate and

Committees on National Security and on Appropriations of the House of Representatives] a report on the use by the Secretary of Defense and the Secretaries of the military departments of the authorities provided by subchapter IV of chapter 169 of title 10, United States Code, as added by subsection (a) [this subchapter]. The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing."

WESTLAW ELECTRONIC RESEARCH

See WESTLAW guide following the Explanation pages of this volume.

§ 2885. Expiration of authority

The authority to enter into a contract under this subchapter shall expire on February 10, 2001.

(Added Pub.L. 104-106, Div. B, Title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 551, and amended Pub.L. 105-85, Div. A, Title X, § 1073(a)(61), Nov. 18, 1997, 111 Stat. 1903.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Conference Report No. 104-450, see 1996 U.S.Code Cong. and Adm.News, p. 238.

1997 Acts. House Conference Report No. 105-340 and Statement by President, see 1997 U.S.Code Cong. and Adm.News, p. 2251.

References in Text

The date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, referred to in text, is February 10, 1996, the date of approval of Pub.L. 104-106.

Amendments

1997 Amendments. Pub.L. 105-85, § 1073(a)(61), substituted "on February 10, 2001" for "five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996".

Coordination With Other Amendments

Amendments by section 1073 of Pub.L. 105-85 to be treated as having been enacted immediately before the other provisions of Pub.L. 105-85, see section 1073(i) of Pub.L. 105-85, set out as a note under section 5315 of Title 5, Government Organization and Employees.

LIBRARY REFERENCES

American Digest System
 Armed Services Ⓒ28.
 United States Ⓒ60.

Encyclopedias

C.J.S. Armed Services §§ 21, 22.
 C.J.S. United States § 83.

WESTLAW ELECTRONIC RESEARCH

Armed Services cases: 34k[add key number]
 United States cases: 393k[add key number]
 See, also, WESTLAW guide following the Explanation pages of this volume.

[CHAPTER 171—REPEALED]

WESTLAW COMPUTER ASSISTED LEGAL RESEARCH

WESTLAW supplements your legal research in many ways. WESTLAW allows you to

- update your research with the most current information
- expand your library with additional resources
- retrieve direct history, precedential history and parallel citations with the Insta-Cite service

For more information on using WESTLAW to supplement your research, see the WESTLAW Electronic Research Guide, which follows the Explanation.

[§§ 2891, 2892. Repealed. Pub.L. 104-106, Div. A, Title X, § 1061(b)(1), Feb. 10, 1996, 110 Stat. 442]

HISTORICAL AND STATUTORY NOTES

Section 2891, added Pub.L. 100-456, Div. A, Title III, § 342(a)(1), Sept. 29, 1988, 102 Stat. 1959, and amended Pub.L. 102-484, Div. A, Title III, § 372, Oct. 23, 1992, 106 Stat. 2384, required the Secretary of Defense to submit annual reports to Congress regarding the security and control of Department of Defense supplies including cases of theft and loss.

Section 2892, added Pub.L. 100-456, Div. A, Title III, § 342(a)(1), Sept. 29, 1988, 102 Stat. 1960, directed the Secretary of Defense to require investigations of discrepancies in accounting for Department supplies and to separate offices ordering supplies from offices receiving supplies.